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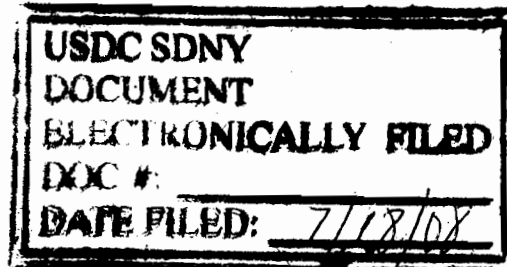
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MEMBER  
N.Y. & D.C. BARS

July 17, 2008

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BY TELECOPIER ONLY  
(212) 805-7932  
The Honorable Theodore H. Katz  
U.S. Magistrate Judge, S.D.N.Y.  
U.S. Courthouse  
500 Pearl Street, Room 1660  
New York, New York 10007



Re: *Gabel v. Richards Spears Kibbe & Orbe LLP et al.*  
07 Civ. 11031 (CMM/THK)

Dear Judge Katz:

I am counsel to plaintiff in the above-referenced civil action.

Just a few minutes ago, at 5:00 p.m. (and without prior notice), we received a copy of a letter from defendants' counsel, with enclosures, which we understand to have been delivered to Your Honor's chambers this afternoon. The letter raises certain discovery issues. We write to respectfully request a brief additional period beyond the time provided in Your Honor's Individual Practices to respond to defendants' submission.

At the time defendants' counsel's letter arrived, we were (and still are) in the midst of preparing for depositions of three (3) of the named defendants, one of which will begin tomorrow, and all three of which are scheduled over the next five (5) business days. Being mindful of the three-day response requirement, we wanted to make clear that we do plan to respond to defendants' counsel's submission, but may not be able to do so immediately. Indeed, in light of these imminently scheduled depositions, we would appreciate having until at least the end of the day next Friday (one day after the last of the three depositions are conducted, and three (3) days beyond the time ordinarily provided) to respond. In support of this request, we respectfully note that none of the discovery disputes raised in counsel's letter concern these three depositions, discovery is not scheduled to close herein for more than five months (*i.e.*, not until December 23), and yet additional issues may arise at these depositions which could be addressed, along with any other pending discovery issues, in a single response and subsequent conference with the Court.

We appreciate the Court's courtesies, and consideration of this request.

Respectfully yours,

Eric M. Nelson

*The request is granted.*

cc: J. Michael Riordan, Esq. (by telecopier)

**SO ORDERED**

7/18/08

*Theodore H. Katz*  
THEODORE H. KATZ  
UNITED STATES MAGISTRATE JUDGE